REMARKS

Applicant has carefully reviewed the Decision on Appeal dated November 1, 2011. Applicant has amended Claims 1 and 17 in order to reopen prosecution and have the matter reconsidered by the Examiner. Applicant has amended Claims 30-31 to correct typographical errors.

In the Decision on Appeal dated November 1, 2011, the Board of Patent Appeals and interferences reversed the Examiner's rejection of Claims 1-36 under 35 U.S.C. § 102(e) over U.S. Patent No. 6,152, 369 to *Wilz, Sr et al.* (hereinafter "*Wilz*"). However, pursuant to 37 CFR § 41.50(b) the Board entered a new grounds of rejection for Claims 1-36 under 35 U.S.C. § 103(a) over *Wilz*. Applicant traverses.

Applicant has amended independent Claims 1 and 17 to include the feature of "wherein the software identification code identifies the software application and wherein the software application identified by the software identification code can run on multiple computers at different locations on the network." Support for this amendment may be found in at least paragraphs [0072], [0074], [0077], and [0079]-[0082] of the specification as originally filed. Applicant respectfully submits that *Wilz* fails to teach or suggest at least these features of Claims 1 and 17 as amended.

Regarding Claim 1, the Board did not find a "software identification code" in *Wilz* that is "transferred to the second computer from the first computer" because the only code transferred is "the machine-resolvable code" that was sensed from the bar-code (see pages 6-7 of Decision). However, the Board found that "it is common for a computer to have recorded in its TCP/IP software files the IP address of a Domain Name Server which is consulted to resolve URL addresses into IP addresses" and that "a message sent to a Domain Name Server to resolve a URL includes the IP address of that Domain Name Server in the addressing contained in the packet sent using TCP/IP protocols to the other computer" (see pages 7-8 of the Decision). The Board finds on page 8 of the Decision that one of ordinary skill in the art would recognize in *Wilz* "the disclosure of the common practice of storing a *software identification code* in the form of an IP address of a Domain Name Server in a *first computer* (client system)." The Board

further found on page 8 of the Decision that "one of ordinary skill in the art would know that the DNS server stores additional IP addresses (*software identification codes*) that correlate to URL system addresses of *one or more remote locations* such that the URL is 'resolved' into *routing information* (IP addresses) so that the first computer can reach the *remote locations*." Therefore, the Board is equating an IP address with the "software identification code" of Claim 1, and more particularly an IP address of a Domain Name Server stored in the client computer system of *Wilz* with the "software identification code" of Claim 1.

Although Applicant respectfully disagrees with the Board's interpretation of *Wilz*, Applicant has amended Claim 1 to further distinguish the "software identification code" of Claim 1 from an IP address of a Domain Name Server. In particular, Claim 1 as amended includes "wherein the software identification code identifies the software application" and "wherein the software application identified by the software identification code can run on multiple computers at different locations on the network." First, Applicant submits that an IP address of a Domain Name Server recorded in TCP/IP software files of a computer does not identify the TCP/IP software files or any other software application on the computer. Instead, an IP address of a Domain Name Server recorded in TCP/IP software files identifies a network address of the Domain Name Server. Further, even if it can be assumed that an IP address could be used to identify the TCP/IP software files, Applicant submits that the same IP address cannot be used to identify the same TCP/IP software files if the same TCP/IP software files are running on multiple computers at different locations on the same network, as each computer on the same network requires a different IP address. For at least the foregoing reasons, Applicant submits that Claim 1 as amended distinguishes over *Wilz*.

Independent Claim 17 has been amended to include the features of "wherein the software identification code identifies the software application and wherein the software application identified by the software identification code can run on multiple computers at different locations on the network." For analogous reasons as those discussed with respect to Claim 1, Applicant submits that Claim 17 also distinguishes over *Wilz*.

In view of the foregoing, Applicant submits that Claims 1-36 distinguish over *Wilz* and requests that the 35 U.S.C. § 103(a) rejection of Claims 1-36 be withdrawn.

Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/RPXC-26664 of HOWISON & ARNOTT, L.L.P.

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